IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 24890 of 2007(K)

AGAINST THE ORDER IN IA. 4696 /2007 IN
OS.613/2007 of I ADDL.SUB COURT,ERNAKULAM
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PETITIONER:

SEBASTIAN ALEXIS,
LENTHAMPARAMBIL HOUSE,
VYTTILA DESON,
POONITHURA VILLAGE,
KANAYANNUR TALUK,ERNAKULAM.

BY ADV. SRI.C.S.ULLAS

RESPONDENTS:

PYLEE ALEXIS,
12717 NE 86" STREET,
KIRKLAND, WASHINGTON, USA REPRESENTED BY IT
POWER OF ATTORNEY HOLDER,
P.J.PAUL, PALAMITTATHU HOUSE NEAR ANGADIKADAVU,
ALANGADU PO, ERNAKULAM DIST.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN , J

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W.P.(C) NO. 24890 OF 2007

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Dated this the 16th day of August, 2007.

JUDGMENT

This writ petition is filed to keep in abeyance of the operation of the order dated 08.08.2007 in I.A. No. 4696/2007 in O.S. No. 613/2007. Heard the learned counsel for the writ petitioner. On 08.08.2007, the Principal Sub Court, Ernakulam passed an order whereby an order to maintain status quo as on 08.08.2007 till the petition is finally disposed of by the Sub Court and it is posted today before the Sub Court. The main grievance ventilated at the time of hearing is regarding the non compliance of Order 39 Rule 3 wherein it stipulates that the plaintiff has to send a copy of the affidavit, a copy of the plaint and copies of the documents on which the applicant relies. The learned counsel would submit that he is prepared to comply with the term of expenses mentioned in Section 148 A(4) of the C.P.C to get copies of the documents since there is enabling provision and as it is only a prayer which appears to be reasonable to answer the

contentions of the plaintiff, in which case, I direct the plaintiff to furnish the copies of the documents relied upon by him at the expenses of the caveator and then dispose of the matter in accordance with law. I make it very clear that the court has already passed an order of status quo and the court shall finally dispose of the matter after making available copies of the documents relied on by the plaintiff and after hearing both sides.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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